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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,187	05/31/2005	Ian Robert Thomson	UDL20.001APC	7599
20995 7599 11/25/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER HWU, DAVIS D				
ART UNIT 3752		PAPER NUMBER		
NOTIFICATION DATE 11/25/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

10/517,187

Applicant(s)

THOMSON, IAN ROBERT

Examiner

Davis D. Hwu

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-10,12,14-16,18-20 and 26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,4,6-10,12,14-16,18-20 and 26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Response to Amendment

1. Applicant's amendment and arguments of October 27, 2008 have been entered.
2. After careful updated search and reconsideration, the allowability of the claims as indicated in the office action of May 27, 2008 is withdrawn because of the newly cited prior art. A new office action is issued as follows.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1, 2, 4, 6-10, 12, 14-16, 18-20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field in view of Rawl.

Field discloses a delivery system of a composition, the system comprising a pocket 4, a system (5 and 6) for attaching the pocket to a surface, and an absorbent pad 7 as recited, wherein the pocket includes an opening 8 and shaped such that the pad may be received and held securely within the pocket but is removable therefrom via the opening, the pocket comprising a single piece construction from a flexible member folded over itself to define first and second layers (2 and 3), the layers being attached to each other along part of their peripheries and unattached along other parts of their peripheries, the unattached parts providing the opening 8 as recited, and wherein the flexible member comprises a material that prevents the composition from passing through its structure to the skin but enables an inhalable vapor to be released therethrough. Field does not disclose the first layer including an extended part as recited. Rawl teaches a container comprising a pocket and a single piece construction

from a flexible member folded over itself to define first and second layers 18 attached to each other along part of their peripheries and unattached along other parts of their peripheries (when the fold 16 is opened), the unattached parts providing an opening for receiving and removing a device, wherein the first layer includes an extended part 16 that extends beyond the second layer adjacent the opening wherein the first layer is folded such that the extended part and the second layer overlap (when the fold 16 is in its closed position) and wherein the extended part 16 provides a closure member for retaining a device in the pocket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Field by providing to the first layer an extended part as recited since such an arrangement has been taught by Rawl to easily remove a composition from the pocket or insert a composition into the pocket. The types of composition as recited in claims 8-10 are matters of user preference. Regarding claim 12, the device of Field also comprises a decorative face 12 which can carry an advertisement and regarding claim 18, it would have been a matter of operator choice to attach the device to a garment.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571-272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval

(PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Davis D Hwu/
Primary Examiner, Art Unit 3752